

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions and listings of claims in the application:

1. (Currently Amended) An image recording apparatus for encoding a moving image and recording the encoded moving image in compliance with a predetermined standard, the image recording apparatus comprising:

aspect ratio setting means for setting a first or second aspect ratio as an aspect ratio for encoding a moving image to be input, in accordance with an operation performed by a user;

recording mode setting means for setting a recording mode for encoding the moving image in accordance with an operation performed by a user, the recording mode being concerned with a bit rate and a resolution;

decision making means for setting a first or second resolution as a resolution for encoding the moving image in accordance with a combination of the aspect ratio and the recording mode, ~~both of which having been set~~; and

encoding means for encoding the moving image at the resolution having been set by the decision making means,

wherein the decision making means sets the first resolution as a resolution for encoding the moving image irrespective of the recording mode having been set in a case where when the aspect ratio ~~having been~~ is set ~~[[is]]~~ to the first aspect ratio.

2. (Original) The image recording apparatus according to Claim 1, wherein the decision making means sets a horizontal resolution of 720 or 704 for encoding the moving image irrespective of the recording mode having been set in a case where the aspect ratio having been set is 16:9.

3. (Original) The image recording apparatus according to Claim 1,

wherein the predetermined standard is determined on the basis of information on a recording medium on which the moving image having been encoded by the encoding means is recorded, and

wherein the decision making means sets the first or second resolution as a resolution for encoding the moving image corresponding to the recording mode having been set irrespective of the aspect ratio having been set in a case where the predetermined standard having been determined is the DVD-VR standard.

4. (Original) The image recording apparatus according to Claim 1, further comprising:

detecting means for detecting an aspect ratio of a moving image having been input,

wherein the decision making means sets the first or second resolution as a resolution for encoding the moving image in accordance with a combination of the aspect ratio having been detected or set and the recording mode.

5. (Currently Amended) An image recording method of an image recording apparatus for encoding a moving image and recording the encoded moving image in compliance with a predetermined standard, the image recording apparatus including,

aspect ratio setting means for setting a first or second aspect ratio as an aspect ratio for encoding a moving image to be input, in accordance with an operation performed by a user, and

recording mode setting means for setting a recording mode for encoding the moving image in accordance with an operation performed by a user, the recording mode being concerned with a bit rate and a resolution,

the image recording method comprising:

~~a decision-making step of setting a first or second resolution as a resolution for encoding the moving image in accordance with a combination of the aspect ratio and the recording mode, both of which having been set; and~~

~~an encoding step of encoding the moving image at the resolution having been set in the decision making step,~~

~~wherein in the decision-making step, the first resolution is set as a resolution for encoding the moving image irrespective of the recording mode having been set in a case where when the aspect ratio having been is set [[is]] to the first aspect ratio.~~

6. (Currently Amended) A non-transitory computer-readable medium storing a program including instructions for executing a method for controlling an image recording apparatus, the ~~image recording apparatus including, method comprising:~~

~~aspect ratio setting means for setting a first or second aspect ratio as an aspect ratio for encoding a moving image to be input, in accordance with an operation performed by a user, and~~

~~recording mode setting means for setting a recording mode for encoding the moving image in accordance with an operation performed by a user, the recording mode being concerned with a bit rate and a resolution,~~

~~the program causing a computer to execute processing comprising:~~

~~a decision-making step of setting a first or second resolution as a resolution for encoding the moving image in accordance with a combination of the aspect ratio and the recording mode, both of which having been set; and~~

~~an encoding step of encoding the moving image at the resolution having been set in the decision making step,~~

wherein ~~in the decision-making step,~~ the first resolution is set as a resolution for encoding the moving image irrespective of the recording mode having been set in a ~~case where~~ when the aspect ratio ~~having been~~ is set ~~[[is]]~~ to the first aspect ratio.